

## **MINUTES**

### **MONTANA SENATE 60th LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON JUDICIARY**

**Call to Order:** By **CHAIRMAN JESSE LASLOVICH**, on February 22, 2007  
at 8:00 A.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Jesse Laslovich, Chairman (D)  
Sen. Aubyn Curtiss (R)  
Sen. Larry Jent (D)  
Sen. Carol C. Juneau (D)  
Sen. Dan McGee (R)  
Sen. Lynda Moss (D)  
Sen. Jerry O'Neil (R)  
Sen. Gerald Pease (D)  
Sen. Gary L. Perry (R)  
Sen. Jim Shockley (R)  
Sen. David E. Wanzonried (D)  
Sen. Carol Williams (D)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Carol Andersen, Committee Secretary  
Valencia Lane, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 545, 2/20/2007; SB 546,  
2/20/2007; SB 523, 2/20/2007; SB  
547, 2/20/2007; SJ 24, 2/20/2007  
Executive Action: SJ 24, SB 523, SB 385, SB 294, SB  
435, SB 471, SB 377

**HEARING ON SB 545**

**Opening Statement by Sponsor:**

00:01:48 **SEN. FRANK SMITH (D), SD 16**, opened the hearing on **SB 545**, Revise definition of regional correctional facilities.

**Proponents:**

00:03:07 Sen. Gerald Pease

00:03:30 James Klessons, Hardin 2-Rivers Authority

00:11:59 Tom McKerlick, Contractor, City of Hardin

00:14:34 Rep. Norma Bixby

**EXHIBIT(jus40a01)**

00:19:12 Rep. Veronica Small-Eastman

**Opponents:**

00:23:12 JC Weingartner, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

00:25:41 Scott Crichton, Executive Director, American Civil Liberties Union, Montana

**Informational Testimony:**

00:30:31 Mike Ferriter, Director, Department of Corrections

**Questions from Committee Members and Responses:**

00:33:21 Sen. McGee to Director Ferriter

00:38:17 Sen. McGee to Diana Koch, Department of Corrections

00:43:17 Sen. McGee to Director Ferriter

00:47:46 Sen. McGee to James Klessons

00:51:01 Sen. Shockley to Director Ferriter

00:53:06 Sen. Shockley to James Klessons

**Closing by Sponsor:**

00:58:58 Sen. Smith

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**HEARING ON SB 546**

**Opening Statement by Sponsor:**

01:01:57 SEN. JOHN ESP (R), SD 31, opened the hearing on SB 546, Drug treatment for pregnant woman in child protective cases.

**EXHIBIT(jus40a02)**

**Proponents:**

01:06:20 Anna Whiting-Sorrell, Policy Advisor, Montana Governor's Office

01:08:48 Don Hargrove, Montana Board of Pardons and Parole

01:10:02 Tom Shellenberg

**EXHIBIT(jus40a03)**

01:15:00 Shirley Brown, Child Health Services

01:18:40 Joyce DeCunzo, Administrator, Addictive and Mental Disorder Services

01:21:48 Barbara Burton, Florence Crittenton Home Services

01:23:02 Jani McCall, Montana Children's Initiative Provider Association (MCI)

**Opponents:**

01:24:32 Scott Crichton, American Civil Liberties Union

01:30:49 Beth Brenneman, Montana Advocacy Program

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:37:59 Sen. Juneau to Sen. Esp.

01:38:57 Sen. O'Neil to Sen. Esp

01:39:21 Sen. Perry to Sen. Esp  
01:41:33 Sen. Moss to Sen. Esp  
01:42:46 Sen. Moss to Shirley Brown  
01:44:49 Sen. Moss to Sen. Esp  
01:45:33 Sen. O'Neil to Shirley Brown  
01:47:41 Sen. Perry to Shirley Brown  
01:48:52 Sen. Perry to Sen. Esp  
01:49:49 Sen. Perry to Dave Peshek, Administrator, Montana  
Chemical Dependency Center  
01:52:48 Sen. Perry to Sen. Esp

**Closing by Sponsor:**

01:54:36 Sen. Esp

**EXHIBIT(jus40a04)**

01:56:47 Chair relinquished to Sen. McGee

**HEARING ON SB 523**

**Opening Statement by Sponsor:**

01:57:53 **SEN. JESSE LASLOVICH (D), SD 43**, opened the hearing on  
**SB 523**, Revise court of record.

**Proponents:**

02:00:56 Andrea Olsen, Montana Trial Lawyers

**Opponents:** None.

**Informational Testimony:**

02:02:37 James Shea, Judge, Workers Compensation Court

**Questions from Committee Members and Responses:**

02:04:49 Sen. O'Neil to Sen. Laslovich

02:06:57 Sen. O'Neil to Judge Shea

**Closing by Sponsor:**

02:11:38 Sen. Laslovich

02:12:48 Chair Resumed

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**HEARING ON SB 547**

**Opening Statement by Sponsor:**

02:13:38 **SEN. GARY PERRY (R), SD 35**, opened the hearing on **SB 547**, Revise laws on sentencing, registration, and treatment of sexual offenders.

**Proponents:**

02:26:03 Ali Bovington, Attorney General's Office

02:27:54 Pam Bunke, Department of Corrections

02:30:08 Linda Gryczan, Montana Women's Bill Lobbyist

02:31:17 Mike Mahoney, Warden, Montana State Prison

**Opponents:**

02:33:29 JC Weingartner, Montana Education Association-Montana Federation of Teachers (MEA-MFT)

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:41:46 Sen. Laslovich to Mike Ferriter, Director, Department of Corrections

**Closing by Sponsor:**

02:47:24 Sen. Perry

02:48:15 Chair Relinquished to Sen. McGee

**HEARING ON SJ 24**

**Opening Statement by Sponsor:**

02:48:26 SEN. JESSE LASLOVICH (D), SD 43, opened the hearing on SJ 24, Study prison population growth and alternative sentencing.

**Proponents:**

02:51:06 Sen. Steve Gallus

02:54:11 Mike Ferriter, Director, Department of Corrections

02:55:08 Scott Crichton, American Civil Liberties Union

**Opponents:** None.

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

02:57:30 Sen. Juneau to Sen. Gallus

02:59:44 Sen. Shockley to Sen. Gallus

03:00:08 Sen. O'Neil to Sen. Gallus

**Closing by Sponsor:**

03:05:03 Sen. Laslovich

03:06:30 Break

03:15:03 Resume

**EXECUTIVE ACTION ON SJ 24**

03:15:04 Sen. Laslovich

03:15:47 **Motion:** SEN. SHOCKLEY moved that SJ 24 DO PASS.

**Discussion:**

03:17:03 Motion/Vote: SEN. LASLOVICH moved that CONCEPTUAL AMENDMENT BE ADOPTED. Motion carried unanimously by voice vote. SEN. PEASE, SEN. WILLIAMS, SEN. JUNEAU voted aye by proxy.

03:18:11 Motion: SEN. SHOCKLEY moved that SJ 24 DO PASS AS AMENDED.

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Discussion:

03:19:21 Sen. O'Neil

03:19:32 Sen. McGee

03:20:00 Sen. Laslovich

03:20:19 Sen. O'Neil

03:20:28 Motion/Vote: Motion carried unanimously by voice vote. SEN. JUNEAU voted aye by proxy.

EXECUTIVE ACTION ON SB 523

03:20:57 Motion: SEN. MCGEE moved that SB 523 DO PASS.

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Discussion:

03:21:05 Vote: Motion carried unanimously by voice vote. SEN. JUNEAU voted aye by proxy.

EXECUTIVE ACTION ON SB 385

03:21:58 Sen. Laslovich

03:22:10 Motion/Vote: SEN. LASLOVICH moved to RECONSIDER THE MOTION on SB 385. Motion carried 9-3 by voice vote with SEN. JENT, SEN. O'NEIL, and SEN. SHOCKLEY voting no.

03:22:40 Motion: SEN. PERRY moved that SB 385 DO PASS AS AMENDED.

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Discussion:

03:22:56 Sen. McGee

03:23:34 Cynthia Wolken, Attorney, Montana Legal Services Association

03:25:36 Valencia Lane, LSD

03:25:57 Sen. Jent

03:26:28 Sen. Shockley

03:27:24 Sen. Laslovich

03:27:30 Sen. Perry

03:28:02 Valencia Lane

03:28:37 Sen. Laslovich

03:28:43 Sen. Perry

03:28:50 Sen. Shockley

03:29:00 Valencia Lane

03:29:41 Sen. McGee

03:30:11 **Sen. Perry withdrew motion.**

**Motion:** SEN. PERRY moved that AMENDMENT BE ADOPTED.

**Discussion:**

03:32:10 **Motion/Vote:** Motion carried 11-1 by voice vote with SEN. JUNEAU voting no.

03:32:36 **Motion:** SEN. PERRY moved that SB 385 DO PASS AS AMENDED.

**Discussion:**

03:32:57 Sen. McGee

03:33:20 **Sen. McGee moved conceptual Amendment.**

03:33:31 **Motion/Vote:** SEN. MCGEE moved that SB 385 BE AMENDED. Motion carried unanimously by voice vote.

03:33:47 **Motion:** SEN. MCGEE moved that SB 385 DO PASS AS AMENDED.



**Discussion:**

03:34:03 Sen. Jent

03:34:23 Sen. O'Neil

03:35:15 **Motion/Vote:** SEN. MOSS CALLED THE QUESTION ON SB 385. Motion carried 9-3 by voice vote with SEN. JENT, SEN. O'NEIL, and SEN. SHOCKLEY voting no.

**EXECUTIVE ACTION ON SB 294**

03:35:56 Sen. Laslovich

03:36:20 **Motion:** SEN. LASLOVICH moved that SB 294 DO PASS.

**Discussion:**

03:36:28 Valencia Lane, LSD

**EXHIBIT(jus40a05)**

03:37:19 **Motion:** SEN. LASLOVICH moved that AMENDMENT SB029401.APM BE ADOPTED.

**Discussion:**

03:39:05 Valencia Lane, LSD

03:39:42 Kelly Williams, Department of Public Health & Human Services (DPHHS)

03:41:10 **Vote:** Motion carried unanimously by voice vote. SEN. JENT, SEN. WANZENRIED, SEN. JUNEAU AND SEN. WILLIAMS voted aye by proxy.

03:41:51 **Motion/Vote:** SEN. LASLOVICH moved that SB 294 DO PASS AS AMENDED. Motion carried 9-3 by voice vote with SEN. MCGEE, SEN JENT and SEN. SHOCKLEY voting no. SEN. JUNEAU and SEN. WILLIAMS voted aye by proxy.

03:43:45 Break

04:13:26 Resumed

04:13:30 Sen. Laslovich

04:14:05 **Motion:** SEN. MCGEE moved that SB 377, SB 435, SB 471  
DO PASS.

**Discussion:**

04:14:24 Sen. Laslovich

04:14:30 Sen. Jent

04:19:03 Sen. Moss

04:20:21 Sen. McGee

04:22:21 Sen. O'Neil

04:24:01 Sen. Curtiss

**EXECUTIVE ACTION ON SB 435**

04:25:47 **Motion/Vote:** SEN. MCGEE moved that SB 435 BE TABLED.  
Motion carried 9-3 by voice vote with SEN. CURTISS,  
SEN. O'NEIL, and SEN. WANZENRIED voting no. SEN.  
WILLIAMS and SEN. JUNEAU voted aye by proxy.

**EXECUTIVE ACTION ON SB 471**

04:26:11 **Motion/Vote:** SEN. MCGEE moved that SB 471 BE TABLED.  
Motion carried 10-2 by voice vote with SEN. CURTISS and  
SEN. O'NEIL voting no. SEN. JUNEAU and SEN. WILLIAMS  
voted aye by proxy.

**EXECUTIVE ACTION ON SB 377**

04:26:40 **Motion/Vote:** SEN. MCGEE moved that SB 377 BE TABLED.  
Motion carried 7-5 by voice vote with SEN. CURTISS,  
SEN. MCGEE, SEN. O'NEIL, SEN. SHOCKLEY, and SEN.  
WANZENRIED voting no. SEN. WILLIAMS and SEN. JUNEAU  
voted aye by proxy.

**ADJOURNMENT**

Adjournment: 12:28 P.M.

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SEN. JESSE LASLOVICH, Chairman

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CAROL ANDERSEN, Secretary

JL/ca

Additional Exhibits:

**EXHIBIT ([jus40aad.pdf](#))**